EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1766-WQ-E **TCEQ ID:** RN102296654 **CASE NO.:** 34925

RESPONDENT NAME: City of San Angelo

ORDER TYPE:		
_1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
on the west side and Christoval Road on the	LED: City of San Angelo Wastewater Treatment Placeast side, south of Paint Rock Road, Tom Green Con	ant, located between the South Concho River unty
TYPE OF OPERATION: Collection system	n with manholes	
SMALL BUSINESS:Yes _X_	No	
OTHER SIGNIFICANT MATTERS: Ther facility location.	re are no complaints. There is no record of addition	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other that	an the ED and the Respondent has expressed an inte	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on June 9, 2008. No	comments were received.
TCEQ Enforcement Coordinator Bryan Sinclair, Enforcement Divisi Respondent: The Honorable Josep	eller, SEP Coordinator, Enforcement Division, MC: Ms. Merrilee Hupp, Enforcement Division, MC: Mc Mc May Provided Hubble Provided Hubb	rement Team 1, MC 169, (512) 239-4490; Mr. 1751, San Angelo, Texas 76902

(SEP) (See SEP Attachment A).

RESPONDENT NAME: City of San Angelo **DOCKET NO.:** 2007-1766-WO-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS DEGGO CONTRACTOR TAKEN/REQUIRED A Goot Type of Investigation: Total Assessed: \$17,120 **Corrective Actions Taken:** ___ Complaint Routine 1) The Executive Director recognizes that Total Deferred: \$0 Enforcement Follow-up the Respondent has implemented the Expedited Settlement Records Review following corrective measures at the X Emergency Response Investigation __Financial Inability to Pay Facility: Date(s) of Complaints Relating to this a) By September 19, 2007, stopped the SEP Conditional Offset: \$17,120 Case: None discharges from the manholes by removing the blockage from the collection line and **Total Paid to General Revenue: \$0** Date of Investigations Relating to this patching and sealing manholes and leaks. Case: August 20, 2007 through Site Compliance History Classification Also, the McClanahan property was September 5, 2007 cleaned up by pumping out sewage, High X Average Poor applying calcium hypochlorite, and Date of NOE Relating to this Case: removing contaminated or affected soils; **Person Compliance History Classification** October 10, 2007 (NOE) __ High X Average __ Poor b) By September 27, 2007, stopped Background Facts: This investigation was discharges from the aerial collection line Major Source: Yes X No in response to a report from a City and surrounding manholes by unblocking representative that sewage was discharging the line. Completed clean up by power-Applicable Penalty Policy: September 2002 into the South Concho River. washing and vacuum pumping out sewage in the ravine and the area enclosed by the Findings Orders Justification: This is a constructed dams, applying calcium WATER Findings Order because the Respondent had hypochlorite to the ground, and sampling three previous NOVs over the prior five year 1) Failure to report an unauthorized to confirm that levels of bacteria, dissolved period for the same violation. discharge in writing within five working oxygen, and free oil and grease had days of becoming aware of the returned to levels acceptable to the TCEQ; noncompliance [30 Tex. ADMIN. CODE § 305.125(9) and Permit No. c) By November 13, 2007, began WQ0010641003, Monitoring submitting noncompliance reports for each Requirements Nos. 7.a and bl. unauthorized discharge; d) On March 12, 2007, the San Angelo 2) Failure to report an unauthorized discharge in writing within five working Regional Office received a letter from the days of becoming aware of the Respondent, requesting to participate in the Sanitary Sewer Overflow ("SSO") noncompliance [30 Tex. ADMIN, CODE § 305.125(9) and Permit No. Initiative Program: WQ0010641003, Monitoring e) On March 20, 2007, the San Angelo Requirements Nos. 7.a and b]. Regional Office mailed a letter, confirming the Respondent's participation in the SSO 3) Failure to report an unauthorized discharge in writing within five working Initiative Program; and days of becoming aware of the f) On February 15, 2008, the San Angelo noncompliance [30 Tex. ADMIN. CODE Regional Office mailed a letter, accepting § 305.125(9) and Permit No. WQ0010641003, Monitoring the Respondent's final plan to address Requirements Nos. 7.a and b]. SSOs under the SSO Initiative Program. 4) Failure to prevent an unauthorized **Ordering Provisions:** discharge of wastewater and failed to take all reasonable steps to minimize a 2) The Order will require the Respondent discharge [30 Tex. ADMIN. CODE to implement and complete a § 305.125(4), Permit No. WQ0010641003, Supplemental Environmental Project

Permit Conditions Nos. 2.d and g, and

Tex. Water Code § 26.121(a)].	
5) Failure to prevent an unauthorized discharge of wastewater and failed to take all reasonable step steps to minimize a discharge [30 Tex. ADMIN. CODE § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d and g, and Tex. WATER CODE § 26.121(a)].	
6) Failure to prevent an unauthorized discharge of wastewater and failed to take all reasonable steps to minimize a discharge [30 Tex. ADMIN. CODE § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d and g, and Tex. WATER CODE § 26.121(a)].	
7) Failure to prevent an unauthorized discharge of wastewater and failed to take all reasonable steps to minimize a discharge [30 Tex. Admin. Code § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d and g, and Tex. Water Code § 26.121(a)].	
8) Failure to prevent an unauthorized discharge of wastewater and failed to take all reasonable steps to minimize a discharge [30 Tex. Admin. Code § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d and g, and Tex. Water Code § 26.121(a)].	

Additional ID No(s).: WQ0010641003

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Attachment A Docket Number: 2007-1766-WQ-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of San Angelo

Payable Penalty Amount: Seventeen Thousand One Hundred Twenty Dollars (\$17,120)

SEP Amount: Seventeen Thousand One Hundred Twenty Dollars (\$17,120)

Type of SEP: Pre-approved

Third-Party Recipient: Keep Texas Beautiful

Location of SEP: Tom Green County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to cleanup rivers, lakes, and shorelines, by supplying project coordination, labor, supplies, and materials for cleanup events and by providing assistance with disposal fees for proper disposal of wastes collected at events. To maximize the event, cleanups will use volunteers for labor. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving water quality of lakes, rivers, and creeks, reducing flooding caused by blockage of drainage outlets, reducing the potential threat to wildlife, decreasing damage to boats, and reducing injury to swimmers and bathers.

City of San Angelo Agreed Order – Attachment A

C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Hester Bloom, Program Manager Keep Texas Beautiful P.O. Box 2251 Austin, Texas 78768

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

City of San Angelo Agreed Order – Attachment A

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Policy Revision 2 (Sept	_	Calculatio	n Work	sheet (P	CW) PCW Revision Sep.	tember 19, 2007
TCEQ						
DATES Assigned PCW	16-Oct-2007 5-Nov-2007 Screeni	ng 31-Oct-2007	EPA Due			Contract of the Contract of th
RESPONDENT/FACILITY	INFORMATION		The second secon	. 1013/15/6/19		
	City of San Angelo					
Reg. Ent. Ref. No.						
Facility/Site Region	8-San Angelo		Major/	Minor Source	Minor	
CASE INFORMATION						
Enf./Case ID No.	34925] No.	of Violations	5	-
	2007-1766-WQ-E]	Order Type		
Media Program(s)	Water Quality		Enf		Merrilee Hupp	
Multi-Media Admin. Penalty \$ L	_imit Minimum \$0	Maximum	\$10,000	ECS ream	Enforcement Team 1	
Admin. Fenalty & L	init ivininiani — — — — — — — — — — — — — — — — — — —	Maximum	μ Ψ10,000	L		
	Pen	alty Calcula	ation Sec	tion		
TOTAL BACE DENAL					0.64.4.13	\$16,000
TOTAL BASE PENAL	. I Y (Sum of Violation	n base penaiti	es)		Subtotal 1	\$16,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1					
	ned by multiplying the Total Base	Penalty (Subtotal 1) by	y the indicated pe			
Compliance History	pry	17%	Enhancement	Subt	otals 2, 3, & 7	\$2,720
Notes	The Respondent receive	ed three NOVs wit	h same or sim	ilar violations		
Notes	and one NOV	without same or	similar violatio	ns.		
				* * * * * * * * * * * * * * * * * * * *		
Culpability	No	0%	Enhancement	- 1	Subtotal 4	\$0
Notes	The Responden	t does not meet th	e culpability cr	iteria.	,	
]	
Good Faith Effort	to Comply	10%	Reduction		Subtotal 5	\$1,600
		PRP/Settlement Offer				
Extraordinary		·				
Ordinary N/A	(mark with x					
		 			1	***************************************
Notes	The Respondent ach	ileved compliance	by November	13, 2007.		
					l ·	
			Enhancement*	2/50/5r6 - 4	Subtotal 6	\$0
Approx. (Total EB Amounts \$625 Cost of Compliance \$102,150		d at the Total EB	\$ Amount		
	• • • • • • • • • • • • • • • • • • •					***************************************
SUM OF SUBTOTALS	S 1-7			filial and the f	inal Subtotal	\$17,120
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OTHER FACTORS AS Reduces or enhances the Final Si			0%		Adjustment	\$0
Neduces of efficiences the fillars	ubiotal by the indicated percenta	g o .]	1000000000
Notes					,	
				Final Pe	nalty Amount	\$17,120
	BUIDENENE					647.400
STATUTORY LIMIT A	MINIEW I			Final Asse	ssed Penalty	\$17,120
DEFERRAL			0%	Reduction	Adjustment	\$0
Reduces the Final Assessed Pen	alty by the indicted percentage.	(Enter number only: e.	and the second s		Aujustinent	Ψυ
		· · · · · · · · · · · · · · · · · · ·		***************************************		· ·
Notes	No deferral is	recommended for	Findings Ord	ers.		Major Alvaharija d
	and the second s					-
						647.400
PAYABLE PENALTY						\$17,120

Screening Date 31-Oct-2007

Docket No. 2007-1766-WQ-E

PCW

Policy Revision 2 (September 2002) PCW Revision September 19, 2007

Respondent City of San Angelo

Case ID No. 34925

Reg. Ent. Reference No. RN102296654 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp

		Site Enhancement (Subtotal 2) Number of	nter Number Here	Adjust.
NC		Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
		Other written NOVs	[[[]]]	2%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Ord		Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	.0	0%
	ments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0 0	0%
	1000	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convi	ictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
		Chronic excessive emissions events (number of events)	0	0%
		Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Au	dits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		Plea	se Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
0.4	her	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
. 01	nei	Participation in a voluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	-	Adjustment F	ercentage (Su	ıbtotal 2)
peat Viola	itor (Sul	ototal 3)		
	No	Adjustment F	ercentage (Sเ	ıbtotal 3)
mpliance	History	Person Classification (Subtotal 7)		
Ave	erage Pe	erformer Adjustment F	ercentage (Su	ıbtotal 7) 🛚
<u> </u>				
His	oliance	The Respondent received three NOVs with same or similar violations and one NOV without violations.	same or similar	et
No	otes	Assignment of the second of th	<u>, , 49</u>	
		Total Adjustment Percentage	(Cubtotala	2 2 271

Screening Date	31-Oct-2007	Docket	Vo. 2007-1766-WQ-E	PGW
ł company do transport de la company de	t City of San Angelo			Policy Revision 2 (September 2002)
Case ID No				PCW Revision September 19, 2007
Reg. Ent. Reference No				
Media [Statute]				Gurmana.
Enf. Coordinator				W. Michael
Violation Number	1			
Rule Cite(s	30 Tex. Admin. Code §	305.125(9) and Permi Requirements Nos. 7	t No. WQ0010641003, Monito .a and b.	pring
Violation Description	becoming aware of th Respondent became a' easement about 264 fee discharge from a hole easement manhole, and a section of the collection lir these discharge points written reports for any o	e noncompliance. Spe ware of an unauthorized to southwest of the McConthe in the collection line agon unauthorized discharge when TCEQ investig during a search for signifulation the three separate discharges.	writing within five working day cifically, on August 28, 2007, discharge from a manhole is clanahan property, an unauthor proximately 20 yards east of ge from a manhole south of the ators and the Respondent distance of unauthorized discharges is charges had been received be on September 5, 2007.	the n the prized the ne aerial scussed
	- 2006 11 July 12 10 11 Style 12 11 11 11 11 11 11 11 11 11 11 11 11		Base	Penalty \$10,000
>> Environmental, Property	a de Saltera de La del Salta de Caracteria de La Caracteria de Caracteri	trix	Commence of the commence of th	PORTING NATIONAL ACTION
Release	Harm Major Moderate	Minor		
OR Actua				THE CONTRACTOR OF THE CONTRACT
Potentia	<u> </u>		Percent 0%	
	1	1	L	. Administration
>>Programmatic Matrix	sas pali elicente de la coma			and constable
Falsification	Major Moderate	Minor	A A A A A A A A A A A A A A A A A A A	
	x		Percent 10%	·
Matrix Notes	100 percent	of the requirement was	not met.	
			Adjustment	\$9,000
	JESUS ERES AND SERVEN AND AND AND AND AND AND AND AND AND AN	2. 4. 4. 12. 12. 12. 13. 13. 13. 13. 13. 13. 13. 13. 13. 13		40,000
				\$1,000
Violation Events				
Number of Vi	olation Events 3	58	Number of violation days	
	daily			·
	monthly			TOTALEMANA
mark only one	quarterly		Violation Base	Penalty \$3,000
with an x	semiannual			La control de la
	annual		•	accommonate and
	single event x		• •	VIDEAMAAA
				TOWN AND AND AND AND AND AND AND AND AND AN
	Three single events are re	ecommended for the thr	ee delinquent reports.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$1	Violation Final Penal	ty Total \$3,210

	Ť	his violation Final Ass	sessed Penalty (adjusted fo	r limits) \$3,210

	Water Quality					Percent Interest	Years of Depreciation
Violation No.	1				tracely and addition		5. 16. 8 :
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	San Server Server Server	, (SPONE)	10 Mai		(e)AD slost	
Delayed Costs		enthanken		1-2		40	
Equipment	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		7.1.5.1	0,0	\$0	\$0	\$0 \$0
Bulldings				0,0	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.0	\$0 \$0	\$0	\$0 \$0
Engineering/construction				0.0	\$0 \$0	n/a	\$0 \$0
Land	والمتأجلين ليبضيها		ili ini garakan	0.0	\$0 \$0	n/a	\$0 \$0
Record Keeping System			And the state of t	0.0	\$0	n/a	\$0
Training/Sampling			7271	0.0	\$0	n/a	\$0
Remediation/Disposal			The second special	0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	\$150	3-Sep-2007	13-Nov-2007	0.0	100 \$1 V	n/a	\$1
Mater to DELAYED costs	Estimated cos	st for the submittal	of timee unautions	eu uisci	iarge reports. Da	te required is when t	ne reports were
Notes for DELAYED costs Avoided Costs Disposal	a Mas	due and final da	ate is when the three	e delinqı	uent reports were	received by TCEQ. one-time avoided of	costs) (1)
	a Mas	due and final da	ate is when the three	e delinqu	item (except for \$0 \$0	one-time avoided of \$0	costs)
Avoided Costs	a Mas	due and final da	ate is when the three	ntering	item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel	a Mas	due and final da	ate is when the three	ntering .0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	a Mas	due and final da	ate is when the three	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	due and final da	ate is when the three	ntering .0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	due and final da	ate is when the three	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Sci	reening Date	31-Oct-2007			Docket I	Vo. 2007-176	6-WQ-E		P	CW
	Respondent	City of San A	ngelo					Policy Revi	sion 2 (Septembe	er 2002)
	Case ID No.	34925						PCW Revis	ion September 1	9, 2007
Reg. Ent. Re	eference No.	RN10229665	4			•				
Me	dia [Statute]	Water Quality	/							
Enf.	Coordinator	Merrilee Hup	р							
Vic	olation Number	2								
	Rule Cite(s)	30 Tex. Ad				VQ001064100 Code § 26.12	3, Permit Cor 1(a)	ditions		
Violati	ion Description	volume of se line beginni McClanah Additiona discharge i discharge b	ewage was dising about 6:30 an property of ally, the Respondinto the South eing contained 23, 2007, and	charging from am on Aug onto an adjac ondent failed Concho Riv d or pumped by August 2	om a manholoust 18, 2007 cent property d to take all r ver. There w d from either 20, 2007, the	e on the McCl	ecifically, an uanahan south a crossed thro South Concho eps to minimizented evidence several days a estimated by allons.	property ugh the River e the of the later, on		<i>(</i>
							Base	Penalty	\$1	10,000
> Environment	al Property s	ind Human	Health Ma	riy						
.> Ellaltollillelli	ai, Froperty a	illu Hullian	Harm	WA						
	Release	Major	Moderate	Minor					. '	
OR	Actual		х							
	Potential					Percent	25%			
>>Programmatio	: Matrix									
	Falsification	Major	Moderate	Minor						
Gradia (Constantina)						Percent	0%			
Matrix Notes	of human h were already	nealth or environsignificantly a	onmental rece bove recreation	ptors as a r on water lim	esult of this on its for fecals Incho River v	discharge sind and oxygen.	eeded levels pee upstream some addition, some that of typical	amples ispended		
				CES SECREMENTARIOS		estation of the second of the	· · · · · · · · · · · · · · · · · · ·			\$2,500
								L		,
/iolation Events	and the best ARE	as maininffffff	untradica (N. 1818)		14/19/06	THE PARTY OF THE PARTY.				
	Number of Vio	olation Events	2		32	Number	of violation da	ys		
	mark only one with an x	daily monthly quarterly semiannual annual single event	X			•	/iolation Base	e Penalty	(\$5,000
	1	lly events are 2007) to the c				•	umented (Aug 19, 2007)	ust 18,		
Economic Bene	fit (EB) for th	is violation		Salse son		Statuto	ory Limit Te	st	and the second	
Specificação de Secretor no esta esta esta esta esta esta esta esta	an airid a cias an a daoine an tao 1960 an air an	d EB Amount		\$6	14]	Violati	on Final Pen	alty Total		\$5,350
					_		,			OF 050
				This violati	on Final Ass	sessed Penal	ty (adjusted f	or limits)	rijanera - Torica - Torica	\$5,350

Respondent	City of San Ang	and the second of the second o	Denem w	UIKS	meer:	r offic phiron	i;#r
Case ID No.					F.		
Reg. Ent. Reference No.	RN102296654					graphical and the speciments of the speciments of	ikasi di majida yang minima yang kangga
Media	Water Quality					Percent Interest	Years of
Violation No.	2					r ercent miterest :	Depreciation
					- dama acsuaç	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	OTERAL STATE			Trubyld@A3 NYT Y-U	推成的場合を表現。 1	
Delayed Costs	viinta esta esta esta esta esta esta esta es	aria salahaya da salah		30W - ()	. Tribo jihi sidher	ledi.	
Equipment	HERRICO FOR	17-17-17-18-18-18-18-18-18-18-18-18-18-18-18-18-	BOTAL SHARES	0.0	\$0	\$0 I	\$0
Buildings		15-44 1 13 N 2 C 1 1 1 2 5		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$100,000	18-Aug-2007	19-Sep-2007	0.1	\$29	\$584	\$614
Land			ال والمراجع المراجع ال	0.0	\$0	n/a	\$0
Record Keeping System			A second of any order of Acoustic	0.0	\$0	n/a	\$0
Training/Sampling			The Section of the West	0.0	\$0	n/a	\$0
Remediation/Disposal			TO A DOLL HOLD AND THE	0,0	\$0	n/a	\$0
Permit Costs			SOURT OF BUILDING	0.0	\$0	n/a	\$0
		The second secon					
Other (as needed)	maintenan	ce (removing block	kage) as well as cl	ean up c	osts (equipment,	n/a ng holes and sealing labor, sampling, che	micals, and
Other (as needed) Notes for DELAYED costs	maintenan disposal) assoc vacuum pumpii	ce (removing block ciated with any una ng of sewage, pato e stoppage from th	kage) as well as cl authorized discharg shing of collection I e collection line. E	stem and ean up o ges. Incl ine and i Date Req	lits repair (patchir costs (equipment, uded were labor a manholes, applica uired is the date t	ng holes and sealing labor, sampling, che und materials for pow tion of calcium hypo he discharge was do	leaks) and micals, and ver-washing an chlorite, and th
Notes for DELAYED costs	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ing of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up o ges. Incl ine and i Date Req hen clea	lits repair (patchir costs (equipment, uded were labor a manholes, applica uired is the date t in up was complet	ng holes and sealing labor, sampling, che and materials for pow tion of calcium hypo he discharge was do ed.	leaks) and micals, and ver-washing an chlorite, and th ocumented and
Notes for DELAYED costs Avoided Costs	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ing of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up o ges. Incl ine and i Date Req hen clea	I its repair (patchir costs (equipment, uded were labor a manholes, applica uired is the date t in up was complet Item (except for	ng holes and sealing labor, sampling, che and materials for pow tion of calcium hypo he discharge was do ed.	leaks) and micals, and ver-washing an chlorite, and th ocumented and
Notes for DELAYED costs Avoided Costs Disposal	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ing of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up o ges. Incl ine and i Date Req hen clea Intering	l its repair (patchir costs (equipment, uded were labor a manholes, applica uired is the date t in up was complet item (except for	ng holes and sealing labor, sampling, che and materials for pow tion of calcium hypo he discharge was do ed.	leaks) and micals, and ver-washing an chlorite, and th ocumented and costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ing of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up o ges. Incl ine and i Date Req hen clea Intering	l its repair (patchir costs (equipment, uded were labor a manholes, applica uired is the date t in up was complet item (except for \$0	ng holes and sealing labor, sampling, che und materials for powrtion of calcium hypo he discharge was doed. one-time avoided c \$0 \$0	leaks) and micals, and ver-washing an chlorite, and th ocumented and osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ing of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up o ges. Incl ine and i Date Req hen clea Intering	l its repair (patchir costs (equipment, uded were labor a manholes, applica uired is the date t in up was complet tem (except for \$0 \$0	ng holes and sealing labor, sampling, che and materials for pow tion of calcium hypo he discharge was do ed.	leaks) and micals, and ver-washing an chlorite, and th ocumented and costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ing of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up of ges. Incline and inclin	l its repair (patchir costs (equipment, uded were labor a manholes, applica uired is the date t in up was complet item (except for \$0	g holes and sealing labor, sampling, che and materials for pow tion of calcium hypo he discharge was doed. sone-time avoided c \$0 \$0	leaks) and micals, and ver-washing an chlorite, and th coumented and sosts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ng of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up of ges. Incline and in other clear tering 0.0 0.0 0.0 0.0 0.0 0.0	l its repair (patchir tosts (equipment, uded were labor a manholes, applicauired is the date to the up was complet item (except for \$0 \$0 \$0 \$0 \$0	ng holes and sealing labor, sampling, che and materials for pow tion of calcium hypo he discharge was doed. one-time avoided c \$0 \$0 \$0 \$0 \$0	leaks) and micals, and ver-washing an chlorite, and th coumented and sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ng of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up of ges. Incline and inclin	l its repair (patchir costs (equipment, uded were labor a manholes, applica uired is the date t in up was complet item (except for \$0 \$0 \$0	ng holes and sealing labor, sampling, che and materials for pow tion of calcium hypo he discharge was do ed. one-time avoided co \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	leaks) and micals, and ver-washing an chlorite, and the ocumented and costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ng of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up of the and in the	l its repair (patchir tosts (equipment, uded were labor a manholes, applica uired is the date to the up was complet item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ng holes and sealing labor, sampling, che and materials for powition of calcium hypo he discharge was doed. one-time avoided composition of the solution of calcium hypo he discharge was doed.	leaks) and micals, and ver-washing an chlorite, and the ocumented and sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ng of sewage, pato e stoppage from the	kage) as well as cl authorized discharg ching of collection I e collection line. E the Final Date is w	stem and ean up of the and in the	l its repair (patchir osts (equipment, uded were labor a manholes, applicauired is the date to up was complet item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ng holes and sealing labor, sampling, che and materials for powition of calcium hypo he discharge was doed. one-time avoided composition of the solution of calcium hypo he discharge was doed.	leaks) and micals, and ver-washing an chlorite, and the ocumented and sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block ciated with any una ng of sewage, pato e stoppage from the	kage) as well as cl authorized discharge thing of collection I e collection line. E the Final Date is w ed costs before e	stem and ean up of the and in the	l its repair (patchir costs (equipment, uded were labor a manholes, applica uired is the date to up was complet item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ng holes and sealing labor, sampling, che and materials for powition of calcium hypo he discharge was doed. one-time avoided composition of the solution of calcium hypo he discharge was doed.	leaks) and micals, and ver-washing an chlorite, and the ocumented and sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block black with any unang of sewage, patce stoppage from the stoppage	kage) as well as cl authorized discharge thing of collection I e collection line. E the Final Date is w ed costs before e	stem and ean up of the control of th	l its repair (patchir tosts (equipment, uded were labor a manholes, application in up was complet item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ng holes and sealing labor, sampling, che and materials for powition of calcium hypo he discharge was doed. one-time avoided composition of the solution of calcium hypo he discharge was doed.	leaks) and micals, and ver-washing an chlorite, and the ocumented and sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	maintenan disposal) assoc vacuum pumpli removal of the	ce (removing block black with any unang of sewage, patce stoppage from the stoppage	kage) as well as clauthorized dischargehing of collection lee collection line. Ethe Final Date is well costs before e	stem and ean up of the control of th	l its repair (patchir tosts (equipment, uded were labor a manholes, application in up was complet item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	g holes and sealing labor, sampling, che and materials for powition of calcium hypo he discharge was doed. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	leaks) and micals, and ver-washing an chlorite, and the ocumented and sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scr	eening Date	31-Oct-2007		Do	cket No. 2007-1766-\	NQ-E	PCW
	Respondent	City of San A	ngelo			Po	licy Revision 2 (September 2002)
	Case ID No.	34925				PC	CW Revision September 19, 2007
Reg. Ent. Re	eference No.	RN10229665	4				o constitution of the cons
Me	dia [Statute]	Water Quality	У				and the same of th
Enf.	Coordinator	Merrilee Hup	p				
Vio	olation Number	3					
	Rule Cite(s)	30 Tex. Adm			No. WQ0010641003, Pe ater Code § 26.121(a)	ermit Conditions N	los.
Violati	on Description	discharge from south properties the TCEC Septe	om a manhole i erty line and a Q during an inv mber 5, 2007. aed in an area	n the easement collection line ho estigation which On August 27, 2 approximately 20 thole and a recei	e of wastewater. Specification 264 feet southweste east of the manhole was began on August 20, 20,007, sewage residue at 25 yards wide and 40-thty patched hole in the off the manhole.	st of the McClana was documented 007 and ended or nd debris were 50 yards long in t	han by n
						Base Pen	alty \$10,000
>> Environmenta	al Property a	and Human	Health Mat	rix	and the second second		WARRIAGOWANA
>> Lilviloinnente	ai, i roperty c	ina naman	Harm	MA Salaba A. Sal		3.461.55 36884	MAX CONTRACTOR OF THE CONTRACT
	Release	Major	Moderate	Minor			-
OR	Actual			Х			
3.00	Potential				Percent	10%	
Saura Camaragan in			- Anna Anna Anna Anna Anna Anna Anna Ann		er navaranteriaria proportioni sel es		
>>Programmatic	: Matrix						
	Falsification	Major	Moderate	Minor			
					Percent	0%	
Matrix Notes	Human heal	th or the envir	onment has be	een exposed to ir of this violation	significant amounts of p	pollutants as a res	sult
ranisk i de 1921 Selen Hull (1888)		rpied Japania			Adjustment	\$9,	000
							\$1,000
Violation Events	e Tolkier	TOTAL ET		aliga Suka Palika	ne dispersion de la constitución d Constitución de la constitución de		·
	Number of Vio	olation Events	2		23 Number of v	violation days	
		daily monthly				Jolian Bees Bo	alty \$2,000
	mark only one with an x	quarterly semiannual annual single event	X		Vic	olation Base Pen	ψ2,000
	Two quarter				arges documented on A September 19, 2007.	August 27, 2007 a	and
Economic Benet	fit (EB) for th	is violation	Parameter Control	g a garage	Statutory	Limit Test	
	- 20 cm (10 cm	d EB Amount		\$0	Violatio	n Final Penalty T	otal \$2,140
	Latinate	a Lo Amount	L	401	Ficialion		
			According to the control of	This violation F	nal Assessed Penalty	(adjusted for lin	nits) \$2,140

Reg. Ent. Reference No	RN102296654						
그 그 그 🖴 그 그 💮 이 사람들은 사람들은 사람들이 다 그 없었다. 그렇게 다 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그	Water Quality		型に製造しまた。 関係製造しまたとは			Percent Interest	Years of Depreciation
item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs	trasidistida 1		e la composita	kini lis	Gistration of the	· .1	
Equipment	The second of the second	Tigge and report for every	ASSERTED BY THE STATES	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	30.00			0.0	\$0	. \$0	. \$0
Engineering/construction	Carrier and second		<u>a da lagrada versio</u>	0.0	\$0	**************************************	\$0
Land	Harrist Mary Carl		A Commence	0.0	\$0	n/a	\$0
Record Keeping System		100000000000000000000000000000000000000	di englis en	0.0	\$0	n/a	\$0
Training/Sampling			100 - 1	0.0	\$0	n/a	\$0
Remediation/Disposal	0	all the state of the same of the		0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)			(24) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4	0.0	\$0	n/a	\$0
Notes for DELAYED costs	Programme and a	L91	la l	اؤه از روال	Зак	per 2.	
Avoided Costs	ANN	IUALIZE [1] avoid	ed costs before e	0.0	\$0	\$0	\$0
Avoided Costs Disposal Personnel	ANN	IUALIZE [1] avoid	ed costs before e	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	IUALIZE [1] avoid	ed costs before e	0.0 0,0 0,0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	IUALIZE [1] avoid	ed costs before	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	IUALIZE [1] avoid	ed costs before	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	IUALIZE [1] avoid	ed costs before (0.0 0,0 0,0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoid	ed costs before of	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

S	creening Date	31-Oct-2007		Docket No. 2007-1766-WQ-E		PCW
	Respondent	City of San An	gelo		Polícy Revision 2 (September 2002)
	Case ID No.	34925			PCW Revision Sej	otember 19, 2007
Reg. Ent.	Reference No.	RN102296654				1
IV	ledia [Statute]	Water Quality				7144
En	f. Coordinator	Merrilee Hupp				
\	∕iolation Number	<u> </u>	`		=======================================	11,000
	Rule Cite(s)	30 Tex. Admin		it No. WQ0010641003, Permit Condi Water Code § 26.121(a)	itions Nos.	
Viola	ation Description	2007, sewage the aerial porti 19, 2007 of ar	e was reported to be dischar on of the 30" wastewater co n estimated 108,000 gallons	orge of wastewater. Specifically, on A rging from a 2-inch hole and leaking of blection line, resulting in a discharge sof sewage into the ravine and then the investigation beginning August 20	sleeve on by August the South	
				Bas	se Penalty	\$10,000
>> Environmer	ntal, Property a	ind Human I	lealth Matrix Harm			
	Release	Major	Moderate Minor			-
OR	Actual Potential		X	Percent 25%		
14 () () () () () () () () () (Magagaga so Menggaga sa	osk ostálnos katak krásy mintroka asaketes 24.	9a.e.,5075573807.5g: 1		
>>Programmat	MANAGEMENT CONTRACTOR		146.8866 a - 154. 146.8866 a - 154.666 a 154.668 a 154.			al distribution of the state of
	Falsification	Major	Moderate Minor	Percent 0%		
				Percent 0%		
Matri Note	- 11	th or the environ	nment has been exposed to of this violat	o insignificant amounts of pollutants a ion.	as a result	
Maria de Ma Maria de Maria de Ma		ero desarro cultivario e e	Apresonation (APA 1775)	Adjustment	\$7,500	
						\$2,500
Violation Even	ts	epitation is properly		s sar saes - est all limpion codus (* 754		/
	Number of Vic	olation Events	2	Number of violation da	ys	
		daily monthly	x		, <u></u>	
	mark only one with an x	quarterly semiannual annual single event		Violation Bas	se Penalty	\$5,000
	Two monthl	•	commended from the Augu when discharge had cease	ust 18, 2007 discharge date to Septer ed and was cleaned up.	mber 27,	
Economic Ben	efit (EB) for th	is violation		Statutory Limit Te	ist .	
	Estimated	d EB Amount	\$8	Violation Final Per	nalty Total	\$5,350
		_		•		#E 0E0
			This violation	Final Assessed Penalty (adjusted	tor limits)	\$5,350

Case ID No		jeio				Salar Programme Commence	
Reg. Ent. Reference No Media Violation No	Water Quality					Percent Interest	Years of Depreciation
					To the second of	5.0	1
item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs	190 1000 3003	rjonen v rijnska Militaria		والمرابع	برواد را دو تروی واکار <u>کیا</u>		
Equipment				0,0	\$0	\$0	\$0
Buildings	أنفت المساورين			0,0	\$0	. \$0	, \$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System			<u> </u>	0,0	\$0.	n/a	\$0
Training/Sampling	64 500	40 4 0007	07 0 0007	0.0	\$0 \$8	n/a	\$0 \$8
Remediation/Disposal Permit Costs	\$1,500	18-Aug-2007	27-Sep-2007	0.1 0.0	\$0	n/a n/a	\$0
Other (as needed)	Estimated c	ost is generally cov	vered under Violat	0.0 lion Num	\$0 ber 2, with the exc	n/a ception of additional	\$0 clean up and
	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u	0.0 lion Num reas und egun and up was c	\$0 ber 2, with the exc der the aerial collect final date is the d ompleted.	n/a seption of additional ction line to the river, ate the discharge ha	\$0 clean up and Date required d ceased and
Other (as needed) Notes for DELAYED costs Avoided Costs	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u	0.0 lion Num reas und egun and up was c entering	\$0 ber 2, with the exc der the aerial collect final date is the dompleted. Item (except for	n/a seption of additional ction line to the river, ate the discharge ha institution one-time avoided o	\$0 clean up and Date required d ceased and osts)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u	0.0 lion Num reas und egun and up was co entering 0.0	ber 2, with the except the aerial collect final date is the dompleted.	n/a seption of additional ction line to the river, ate the discharge ha one-time avoided o	\$0 clean up and Date required d ceased and costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u	lion Num reas und egun and up was co entering 0.0 0.0	ber 2, with the exciter the aerial collect final date is the dompleted. item (except for \$0 \$0 \$0	n/a seption of additional ction line to the river, ate the discharge ha cone-time avoided c \$0 \$0	\$0 clean up and Date required d ceased and costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u	0.0 lion Num reas und egun and up was co entering 0.0 0.0	\$0 ber 2, with the exciter the aerial collection of the derial collection of the dompleted. item (except for \$0 \$0 \$0	n/a seption of additional ction line to the river, ate the discharge ha cone-time avoided c \$0 \$0 \$0	\$0 clean up and Date required d ceased and osts) \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u	l 0.0 lion Num reas und egun and up was co entering 0.0 0.0 0.0	. \$0 ber 2, with the excler the aerial collect final date is the dompleted. item (except for \$0 \$0 \$0 \$0	n/a seption of additional ction line to the river ate the discharge harmone-time avoided constitution in the second solution in the secon	\$0 clean up and Date required d ceased and sosts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ber 2, with the except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a seption of additional ction line to the river ate the discharge has some some some some some some some som	\$0 clean up and Date required d ceased and sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u	0.0 O.	ber 2, with the except from letter (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a seption of additional ction line to the river ate the discharge has some some some some some some some som	\$0 clean up and Date required d ceased and sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u	o.o. lion Num reas und gun and up was co entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ber 2, with the except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a seption of additional ction line to the river ate the discharge has some some some some some some some som	\$0 clean up and Date required d ceased and osts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	sampling costs is the date th	s and the damming le discharge was re	of the ravine in a ported to have be clean u ed costs before e	o.o. lion Num reas und gun and up was co entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ber 2, with the except from letter (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a seption of additional ction line to the river ate the discharge has some some some some some some some som	\$0 clean up and Date required d ceased and sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening	Date 31-Oct-2007	D	ocket No. 2007-1766-WQ-E	PCW			
Respor	ndent City of San An	gelo		Policy Revision 2 (September 2002)			
Case II	D No. 34925			PCW Revision September 19, 2007			
Reg. Ent. Referenc	e No. RN102296654						
Media [Sta	atute] Water Quality						
	nator Merrilee Hupp						
Violation N	·						
·	ions Nos						
, Talo	One(s) So Yex. Admin	30 Tex. Admin. Code § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d. and g., and Tex. Water Code § 26.121(a)					
Violation Descr	investigation investigation	Failed to prevent an unauthorized discharge of wastewater. Specifically, during the investigation beginning on August 20, 2007, evidence of a wastewater discharge was documented on August 28, 2007 at a manhole southwest of the aerial section of the collection pipeline. Solids indicative of sewage were documented on the ground around the manhole.					
			Base	Penalty \$10,000			
>> Environmental, Prop	erty and Human F	lealth Matrix					
n (f. 1885). Med de la	Paris D. J. (Dissis School School School USA)	Harm					
	elease Major	Moderate Minor					
OR	Actual	X					
Po	otential		Percent 10%				
>>Programmatic Matrix							
<u>Falsifi</u>	cation Major	Moderate Minor	Company to the Control of the Contro				
			Percent 0%				
Matrix Notes Huma	n health or the enviror	Ith or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.					
politicaen and	To a real Page 18 and the second	Susualith more entities as 5 12 to 25 to 25	Adjustment	\$9,000			
				\$1,000			
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Violation Events	radio del sur en chiale del como di M	altituur tietäksi elekapusi riattelle, ilusi k	Property of the property of th	estage at Pfield 64			
	ACCOUNT OF THE COLUMN C			Succession and and contrast contrast and			
Numbe	er of Violation Events	1	64 Number of violation day	S			
	daily						
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mark o	nly one quarterly	X	Violation Base	Penalty \$1,000			
with	an x semiannual		a				
	annual						
	single event			- 1			
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Or			st 28, 2007 documented discharge dad ceased and was cleaned up.	ate to			
<u> </u>							
Economic Benefit (EB)	for this violation		Statutory Limit Tes	it			
Est	timated EB Amount	\$2	Violation Final Pena	alty Total \$1,070			
				U16_\			
		This violation i	Final Assessed Penalty (adjusted f	or limits) \$1,070			
	er et at at at a consultation (figurier Xaladi)						

Violation No.						Percent Interest	Years of
	5				THE STATE OF THE S		Depreciation
						5,0	1
Item Description	Item Cost No commas or \$	Date Required	Final Date		nterest Saved	Onetime Costs	EB Amount
Delayed Costs	Miles de la company	g, the thirty			<u>بتديانون الرئيب</u>		
Equipment	to the terms of th			0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0 ''	\$0
Engineering/construction	386 - 1 1 1 1 1 1 1		54.4 %	0.0	\$0	\$0	\$0
Land			PA114	0.0	\$0	n/a	\$0
Record Keeping System	iggars and the Articles			0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$500	28-Aug-2007	27-Sep-2007	0.1	\$2	n/a	\$2
Permit Costs		II		0.0	\$0	n/a	\$0
			y and the second of the second	0.0	. \$0	n/a	\$0
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Other (as needed) Notes for DELAYED costs	the d	ate evidence of disc	charge was docum	ds around ented and ntering its	manhole and di final date is wh em (except for \$0 \$0	spose of material. E en cleanup was com isutox one-time avoided o	Date required is appleted.
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Compliance History

Customer/Respondent/Owner-Operator:

CN600251615 City Of San Angelo

Classification: AVERAGE Rating: 6.88

Regulated Entity:

RN102296654 WASTE WATER TRTMT PLT Classification: AVERAGE Site Rating: 2.71

ID Number(s):

WASTEWATER PERMIT WQ0010641003

Location:

WATER QUALITY NON PERMITTED ID NUMBER R08ST0043

between the South Concho R. on the W. side, Christoval Rd.

on the E. Side, S. of Paint Rock Rd., Tom Green Co. Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region:

REGION 08 - SAN ANGELO

Date Compliance History Prepared:

October 31, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

October 31, 2002 to October 31, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Merrilee Hupp

Phone: 512-239-4490

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

2. Has there been a (known) change in ownership of the site during the compliance period? No

3. If Yes, who is the current owner?

N/A

5. When did the change(s) in ownership occur? N/A

4. if Yes, who was/were the prior owner(s)?

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

C. Chronic excessive emissions events.

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1. 02/29/2004 (264389)
 - 2. 01/04/2005 (346029)
 - 3. 01/24/2005 (348125)
 - 4. 04/20/2005 (371704)
 - 5. 11/28/2005 (435647)
 - 6. 02/23/2007 (541331) 7. 03/20/2007 (554371)

 - 8. 09/12/2007 (594102) 9. 10/09/2007 (596836)
 - 10. 10/10/2007 (596566)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/29/2004 (264389)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PERMIT VIII.2.b.

Description: Failure to prevent an unauthorized discharge of wastewater into or adjacent to water in the state at a location not

permitted as an outfall.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)

Description: Failure to maintain calibration for an automatic flow measuring device.

Date: 01/04/2005 (346029)

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT PPIII

PERMIT PPVIII.2.b

Description: Failure to prevent an unauthorized discharge of municipal wastewater into or adjacent to water in the state.

Date: 11/28/2005 (435647)

Self Report? NO Classification: Moderate

Citation: TWC Chapter 26 26.121 Rgmt Prov: PERMIT PPVIII.2.b.

Description: Failure to prevent an unauthorized discharge of wastewater into or adjacent to water in the state at multiple locations

not permitted as an outfall.

Date: 02/23/2007 (541331)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 210, SubChapter A 210.4(a)(4)[G]

Description: Failure to maintain an operation and maintenance plan for the reclaimed water.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 210, SubChapter C 210.36(2)[G]

Description: Failure to submit monthly reports for reclaimed water.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT PPVII.12

Description: Failure to submit the annual City's Farm Management Program Plan (Plan) to the region office by December 15 of each

year.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN \$ BEFORE THE
ENFORCEMENT ACTION \$
CONCERNING \$ TEXAS COMMISSION ON
CITY OF SAN ANGELO
RN102296654 \$ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1766-WQ-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of San Angelo ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City, represented by Kerry Russell of the law firm of Russell & Rodriguez, LLP, presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The City owns and operates a collection system with manholes between the South Concho River on the west side and Christoval Road on the east side, south of Paint Rock Road, in Tom Green County, Texas (the "Facility").

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- 2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. During an investigation beginning August 20, 2007 and ending on September 5, 2007, TCEQ staff documented the following:
 - a. By August 28, 2007, the City became aware of an unauthorized discharge from a hole in the collection line approximately 20 yards east of an easement manhole southwest of the McClanahan property. By the end of the investigation, on September 5, 2007, an unauthorized discharge report had not been received by TCEQ for this discharge;
 - b. On August 28, 2007, the City became aware of a leaking manhole in the easement approximately 264 feet southwest of the McClananhan south property line. By the end of the investigation, on September 5, 2007, an unauthorized discharge report had not been received by TCEQ for this discharge;
 - c. On August 28, 2007, the City became aware of an unauthorized discharge from a manhole south of the aerial section of the collection line when accompanying TCEQ investigators on a search for signs of unauthorized discharges at the Facility. By the end of the investigation, on September 5, 2007, an unauthorized discharge report had not been received by TCEQ for this discharge;
 - d. An unknown volume of sewage discharging from a manhole on the McClanahan south property line reported to have begun about 6:30 am on August 18, 2007. The sewage crossed through the McClanahan property onto an adjacent property and into the South Concho River. Additionally, the City failed to take all reasonable steps to minimize the discharge into the South Concho River. There was no documented evidence of the discharge being contained or pumped from either property until several days later, on August 23, 2007, and by August 20, 2007, the discharge was estimated by the City to have reached over 1,000,000 gallons. Sample results did not demonstrate that pollants exceeded levels protective of human health or environmental receptors as a result of this discharge since upstream samples were already significantly above recreation water limits for fecals and oxygen. In addition, suspended solids levels at the discharge point into the South Concho River were well within that of typical surface water;
 - e. Sewage residue and debris in an area approximately 20-25 yards wide and 40-50 yards long were documented on August 27, 2007 in the easement around a manhole, about 264 feet southwest of the McClanahan south property line;
 - f. Sewage residue and debris were documented on August 27, 2007 on the ground near a recently patched hole on the collection line approximately 20 yards to the east of the easement manhole;
 - g. On August 18, 2007, sewage was reported to be discharging from a two-inch hole and leaking sleeve on the aerial portion of the 30-inch wastewater collection line, resulting in a discharge by August 19, 2007 of an estimated 108,000 gallons of sewage into the ravine and then into the South Concho River; and

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- h. Solids on the ground around a manhole southwest of the aerial collection pipeline, were photographed on August 28, 2007, indicating a discharge had occurred at this point.
- 4. The City received notice of the violations on October 15, 2007.
- 5. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. By September 19, 2007, stopped the discharges from the manholes by removing the blockage from the collection line and patching and sealing manholes and leaks. Also, the McClanahan property was cleaned up by pumping out sewage, applying calcium hypochlorite, and removing contaminated or affected soils;
 - b. By September 27, 2007, stopped discharges from the aerial collection line and surrounding manholes by unblocking the line. Completed clean up by power-washing and vacuum pumping out sewage in the ravine and the area enclosed by the constructed dams, applying calcium hypochlorite to the ground, and sampling to confirm that levels of bacteria, dissolved oxygen, and free oil and grease had returned to levels acceptable to the TCEO:
 - c. By November 13, 2007, began submitting noncompliance reports for each unauthorized discharge as required by 30 Tex. Admin. Code § 305.125(9) and Permit No. WQ0010641003, Monitoring Requirements Nos. 7.a and b;
 - d. On March 12, 2007, the San Angelo Regional Office received a letter from the City, requesting to participate in the Sanitary Sewer Overflow ("SSO") Initiative Program;
 - e. On March 20, 2007, the San Angelo Regional Office mailed a letter, confirming the City's participation in the SSO Initiative Program; and
 - f. On February 15, 2008, the San Angelo Regional Office mailed a letter, accepting the City's final plan to address SSOs under the SSO Initiative Program.

II. CONCLUSIONS OF LAW

- 1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3.a, the City failed to report an unauthorized discharge in writing within five working days of becoming aware of the noncompliance, in violation of 30 Tex. Admin. Code § 305.125(9) and Permit No. WQ0010641003, Monitoring Requirements Nos. 7.a and b.
- 3. As evidenced by Findings of Fact No. 3.b, the City failed to report an unauthorized discharge in writing within five working days of becoming aware of the noncompliance, in violation of 30

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- 4. As evidenced by Findings of Fact No. 3.c, the City failed to report an unauthorized discharge in writing within five working days of becoming aware of the noncompliance, in violation of 30 Tex. Admin. Code § 305.125(9) and Permit No. WQ0010641003, Monitoring Requirements Nos. 7.a and b.
- 5. As evidenced by Findings of Fact No. 3.d, the City failed to prevent an unauthorized discharge of wastewater and failed to take all reasonable steps to minimize a discharge, in violation of 30 Tex. ADMIN. CODE § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d and g, and Tex. WATER CODE § 26.121(a).
- 6. As evidenced by Findings of Fact No. 3.e, the City failed to prevent an unauthorized discharge of wastewater and failed to take all reasonable steps to minimize a discharge, in violation of 30 TEX. ADMIN. CODE § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d and g, and TEX. WATER CODE § 26.121(a).
- 7. As evidenced by Findings of Fact No. 3.f, the City failed to prevent an unauthorized discharge of wastewater and failed to take all reasonable steps to minimize a discharge, in violation of 30 Tex. ADMIN. CODE § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d and g, and Tex. Water Code § 26.121(a).
- 8. As evidenced by Findings of Fact No. 3.g, the City failed to prevent an unauthorized discharge of wastewater and failed to take all reasonable steps to minimize a discharge, in violation of 30 TEX. ADMIN. CODE § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d and g, and TEX. WATER CODE § 26.121(a).
- 9. As evidenced by Findings of Fact No. 3.h, the City failed to prevent an unauthorized discharge of wastewater and failed to take all reasonable steps to minimize a discharge, in violation of 30 TEX. ADMIN. CODE § 305.125(4), Permit No. WQ0010641003, Permit Conditions Nos. 2.d and g, and TEX. WATER CODE § 26.121(a).
- 10. Pursuant TO TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 11. An administrative penalty in the amount of Seventeen Thousand One Hundred Twenty Dollars (\$17,120) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth IN TEX. WATER CODE § 7.053. Seventeen Thousand One Hundred Twenty Dollars (\$17,120) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of Seventeen Thousand One Hundred Twenty Dollars (\$17,120) as set forth in Section II, Paragraph 11 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of San Angelo, Docket No. 2007-1766-WQ-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 11 above, Seventeen Thousand One Hundred Twenty Dollars (\$17,120) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

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City of San Angelo DOCKET NO. 2007-1766-WQ-E Page 7

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

John Szdlin	6/18/08
For the Executive Director	Date
I, the undersigned, have read and understand the at Angelo. I am authorized to agree to the attached Agragree to the specified terms and conditions. I further for the penalty amount, is materially relying on such re-	reed Order on behalf of City of San Angelo, and do acknowledge that the TCEQ, in accepting payment
I understand that by entering into this Agreed Order, rights, including, but not limited to, the right to for Order, notice of an evidentiary hearing, the right to agree to the terms of the Agreed Order in lieu of an full and final adjudication by the Commission of the v	mal notice of violations addressed by this Agreed an evidentiary hearing, and the right to appeal. I evidentiary hearing. This Agreed Order constitutes
 I also understand that failure to comply with the Order timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications su Referral of this case to the Attorney General penalties, and/or attorney fees, or to a collection. Increased penalties in any future enforcement 	bmitted; 's Office for contempt, injunctive relief, additional on agency;
• Automatic referral to the Attorney General's (Office of any future enforcement actions; and
 TCEQ seeking other relief as authorized by la In addition, any falsification of any compliance docum 	
O. L.	
Signature	April 1, 2008 Date
V	Date
Joseph W. Lown Mayor, City of San Angelo	Marror City of Can Angolo
Name (Printed or typed)	Mayor, City of San Angelo Title
Authorized Representative of	TILLO
City of San Angelo	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



Attachment A Docket Number: 2007-1766-WO-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of San Angelo

Payable Penalty Amount: Seventeen Thousand One Hundred Twenty Dollars (\$17,120)

SEP Amount: Seventeen Thousand One Hundred Twenty Dollars (\$17,120)

Type of SEP: Pre-approved

Third-Party Recipient: Keep Texas Beautiful

Location of SEP: Tom Green County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to cleanup rivers, lakes, and shorelines, by supplying project coordination, labor, supplies, and materials for cleanup events and by providing assistance with disposal fees for proper disposal of wastes collected at events. To maximize the event, cleanups will use volunteers for labor. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving water quality of lakes, rivers, and creeks, reducing flooding caused by blockage of drainage outlets, reducing the potential threat to wildlife, decreasing damage to boats, and reducing injury to swimmers and bathers.

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City of San Angelo Agreed Order – Attachment A

C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Hester Bloom, Program Manager Keep Texas Beautiful P.O. Box 2251 Austin, Texas 78768

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

City of San Angelo Agreed Order - Attachment A

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.